

A. G. Contract No. KR891252TRD
ECS File: JPA-89-48
Project: IR-10-3(315)C (222)PE
Section: 44th Street -
Superstition T.I.
(Broadway Rd/Ramp K and
Broadway Rd/52nd St.)

C89-177

INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
CITY OF TEMPE

THIS AGREEMENT is entered into September 5, 1989,
pursuant to Arizona Revised Statutes, Sections 11-951 through
11-954, as amended, between the STATE OF ARIZONA, acting by and
through its DEPARTMENT OF TRANSPORTATION (the "State") and the
CITY OF TEMPE, acting by and through its City Council (the
"City").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes
Section 28-108 to enter into this agreement and has by
resolution, a copy of which is attached hereto and made a part
hereof, resolved to enter into this agreement and has delegated
to the undersigned the authority to execute this agreement on
behalf of the State.

2. The City is empowered by Arizona Revised Statutes
Section 48-572 and by Part I, Section 1.03 of its City Charter
to enter into this agreement and has by resolution, a copy of
which is attached hereto and made a part hereof, resolved to
enter into this agreement and has authorized the undersigned to
execute this agreement on behalf of the City.

3. Incident to the 44th Street to Superstition Traffic
Interchange project, the City desires to furnish modular poles
for the intersections at Broadway Road and Ramp K (I-10 EB on
ramp) and Broadway Road and 52nd Street, to achieve uniformity
with other recently signalized intersections within the city
limits.

THEREFORE, in consideration of the mutual agreements expressed
herein, it is agreed as follows:

NO. <u>14219</u>
FILED WITH SECRETARY OF STATE
Date Filed <u>9-20-89</u>
<u>Jim Sheumway</u> Secretary of State
By <u>A. K. Sullivan</u>

II. SCOPE OF RESPONSIBILITIES

1. State will:

a. Design, call for bids and award one or more construction contracts, in which the modular signals will be an integral part of the project.

b. Install modular signals at the two designated locations.

2. City will:

a. Review plans and provide comments as appropriate.

b. Provide the modular poles to the contractor upon 48 hours advance notice by the contractor calling 731-8284. The poles will be available at the City of Tempe Traffic Operations facility located at 945 W. Rio Salado Parkway.

c. Be responsible for any contractor claims for extra compensation attributable by State to City.

d. Operate and maintain the designated signals once they are constructed as specified under the maintenance agreement.

III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of said project; provided, however, that this agreement, except any provisions herein for maintenance, which shall be perpetual, may be cancelled at any time prior to the award of a construction contract, upon sixty (60) days written notice to the other party.

2. This agreement shall become effective upon filing with the Secretary of State.

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518(B) and (C).

6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation
Engineering Consultants Services
205 South 17 Avenue, Room 118E
Phoenix, AZ 85007

City of Tempe
Harvey Friedson
City Traffic Engineer
P. O. Box 5002
Tempe, AZ 85281

7. Attached hereto and incorporated herein is a copy of the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

CITY OF TEMPE

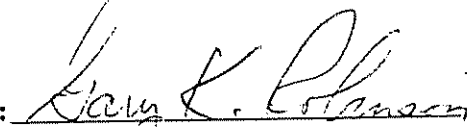
STATE OF ARIZONA

Department of Transportation

By:


HARRY MITCHELL
Mayor

By:


GARY K. ROBINSON
Chief Deputy State Engineer

Attest

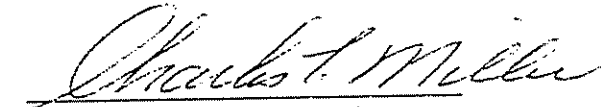


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RESOLUTION

BE IT RESOLVED on this 18th day of April 1989, that I, CHARLES L. MILLER, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Highways Division, to enter into an agreement with the City of Tempe for the purpose of installing "Street Furniture Traffic Signals" of which the City of Tempe will furnish, at Broadway Road and Ramp K (I-10 EB on ramp) and Broadway Road and 52nd Street on the 44th Street to Superstition project.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted for approval and execution by the Chief Deputy State Engineer.


CHARLES L. MILLER, Director
Arizona Department of
Transportation

RESOLUTION NO. 89.64

A RESOLUTION OF THE COUNCIL OF THE
CITY OF TEMPE, ARIZONA, AUTHORIZING
EXECUTION OF AGREEMENT WITH ARIZONA
DEPARTMENT OF TRANSPORTATION FOR
FURNISHING MODULAR POLES ONLY ON
BROADWAY ROAD AT THE EASTBOUND ON
RAMP AND AT 52ND STREET ALONG I-10

WHEREAS, with the widening improvements on I-10 by the State of Arizona, Department of Transportation, it will be necessary to install and modify traffic signals on Broadway Road.

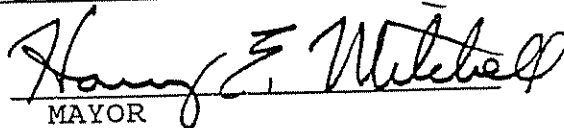
WHEREAS, with the widening improvements on I-10, the City of Tempe has requested that traffic signal pole amenities be included in the design.

WHEREAS, the State of Arizona is empowered by Section 28-108 Arizona Revised Statutes, and the City of Tempe is empowered by Section 48-572B, Arizona Revised Statutes, and Tempe City Charter, Article I, Section 1.03, to enter into an intergovernmental agreement setting forth the conditions for providing the traffic signal pole amenities.

NOW THEREFORE, be it resolved by the City Council of the City of Tempe:

That the Mayor is authorized to execute said intergovernmental agreement with the State of Arizona, Department of Transportation to furnish modular signal poles only to the State on Broadway Road at the eastbound on ramp and at 52nd Street under Project IR-10-3(315)C (222)PE.

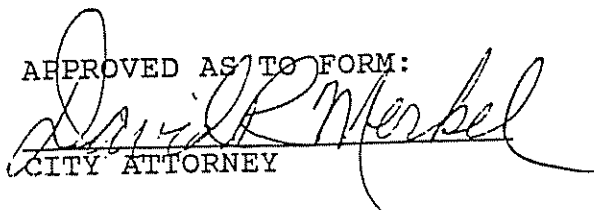
PASSED AND ADOPTED by the Mayor and City Council of the City of Tempe, this 24th day of August, 1989.


MAYOR

ATTEST:


CITY CLERK

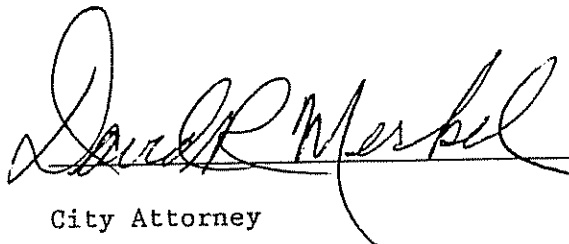
APPROVED AS TO FORM:


CITY ATTORNEY

APPROVAL OF THE CITY ATTORNEY

I have reviewed the proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION, and the CITY OF TEMPE and declare this agreement to be in proper form and within the powers and authority granted under the laws of the State of Arizona.

DATED this 1st day of September, 1989.


City Attorney

I, Helen R. Fowler, the duly appointed City Clerk of the City of Tempe, Maricopa County, Arizona, do hereby certify the attached to be a true and exact copy of Resolution No. 89.64, passed and adopted at the Regular Council Meeting of August 24, 1989, by the Tempe City Council, Tempe, Arizona.

DATED this 25th day of August, 1989.

A handwritten signature in cursive script, reading "Helen R. Fowler", is written over a horizontal line.

Helen R. Fowler, CMC
City Clerk



RECEIVED
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ENGINEERING CONSULTANT
SERVICES

Attorney General

1275 WEST WASHINGTON

Phoenix, Arizona 85007

Robert K. Corbin

INTERGOVERNMENTAL AGREEMENT

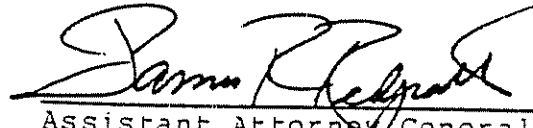
DETERMINATION

A. G. Contract No. KR891252TRD, is an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 12th day of September, 1989.

ROBERT K. CORBIN
Attorney General


Assistant Attorney General
Transportation Division